

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANONYMOUS, )  
                  )  
Plaintiff,     )               8:04CV269  
                  )  
V.              )  
                  )  
GORDON KEENE VELLA,     )               MEMORANDUM  
                  )  
                  )  
Defendant.     )               AND ORDER

The defendant has filed a notice of conditional withdrawal of defendant's Rule 60 motion (filing 430). The defendant wishes to know whether I am inclined to grant plaintiff's motion to vacate judgment and verdict and to dismiss with prejudice (filing 429). I am inclined to grant the plaintiff's motion. Therefore,

**IT IS ORDERED** that the defendant shall promptly notify me when I have jurisdiction to grant the plaintiff's motion, in light of the fact that jurisdiction currently resides with the Court of Appeals.

December 12, 2007.

BY THE COURT:

*S/Richard G. Kopf*  
United States District Judge